

**STATEMENT OF
COMMISSIONER DEBORAH TAYLOR TATE**

Re: Reexamination of Roaming Obligations of Commercial Mobile Radio Service Providers (WT Docket No. 05-265); Automatic and Manual Roaming Obligations Pertaining to Commercial Mobile Radio Services (WT Docket No. 00-193), Report and Order and Further Notice of Proposed Rulemaking.

As a state commissioner, I often heard from small and rural providers about the problems they faced regarding roaming. I believe it is important for subscribers across the country, including those who live in rural areas, to have access to a robust communications network. In roaming, as with other rules, we can and should support small and rural providers and their customers in obtaining this access via wireless services. For example, just last week, we approved new rules for the 700 MHz Band that will make more spectrum available across small license areas for small and rural providers and encourage deployment of wireless service in rural areas.

Today's order recognizes that small and rural providers nonetheless find it hard to do business if their subscribers cannot be connected to larger, even nationwide, networks. The customers of these providers understandably want service when they travel outside of their provider's home network for school, work, or to access healthcare. There also may be benefits to public safety, or even homeland security, in having mobile subscribers connected at all times, even while they are outside their home networks. In addition, subscribers want roaming to work seamlessly, with what is called "automatic" roaming.

It is also worth noting that roaming is an important issue for carriers of all sizes and consumers in all places. For example, some providers have invested to build networks over large geographic areas, including building nationwide services. These large carriers want to receive reasonable compensation for the use of their networks, so they may continue to invest, maintain and upgrade their facilities to serve their subscribers, as well as other carriers' subscribers.

Today's item tries to strike a balance by clarifying that automatic roaming is a common carrier service and thus subject to protections outlined in Sections 201 and 202 of the Communications Act. I am reluctant to interfere with competitive market forces, and I am pleased that we decline to impose rate regulation on roaming fees. Small and rural carriers can be assured that, upon a reasonable request, other CMRS carriers will be required to provide them with automatic roaming services on a "just, reasonable, and non-discriminatory basis." Carriers that are likely to provide automatic roaming can be assured that the Commission will not be parsing the details of every roaming agreement.

Our rules also should encourage efficiency. Where providers have spectrum or access to it, they should build out their networks. Where they do not, we want to ensure that customers of these providers can roam on other networks. Today's item strikes the right balance by not establishing roaming as an obligation of a would-be provider for any market in which the requesting carrier already owns or leases spectrum usage rights.

Today's item also issues a Further Notice seeking comment on whether we should extend the automatic roaming obligation that we adopt today to non-interconnected services or features, including services such as wireless broadband Internet access. I hope that, in taking this step, we are not revisiting the issues we addressed only 138 days ago in the *Wireless Broadband Classification Order*, which found that wireless broadband Internet access is an information service.